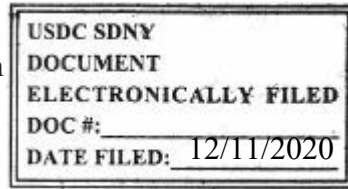


Sheehan & Associates, P.C.
spencerspencersheehan.com

60 Cuttermill Rd Ste 409, Great Neck NY 11021-3104
tel. 516.303.0552 fax 516.234.7800

District Judge Alison J. Nathan
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007



December 10, 2020

Re: 1:20-cv-06550-AJN
Watson v. Dietz & Watson, Inc.

Dear District Judge Nathan:

This office represents the plaintiff. In accordance with your Honor's Individual Rules of Practice in Civil Cases, plaintiff requests a *nunc pro tunc* extension of twenty-four (24) days to prove service via the waiver of service filed today, December 10, 2020. ECF No. 6.

The original date by which service was required to be proved was November 16, 2020. Fed. R. Civ. P. 4(m) (allowing 90 days for defendant to be served); Fed. R. Civ. P. 6(a)(1)(A)-(B) (excluding the date triggering the period and counting intermediate weekends).

Earlier today, while preparing plaintiff's portion of the case management plan and joint letter required to be filed seven days prior to the initial pretrial conference scheduled for Friday, December 18, 2020 at 3:15 PM, the undersigned noticed the docket in this action did not indicate a filed waiver or other proof of service. I immediately contacted defendant's counsel, obtained the signed waiver and filed it.

This action was filed on August 17, 2020. On August 31, 2020, this office was contacted by defendant's attorney. The parties discussed service of process and ultimately opposing counsel informed my office they were authorized to accept service. A waiver of service was provided on November 9, 2020 but my office did not receive a signed waiver back. It was plaintiff's responsibility to follow up or effect service by other permitted means.

The parties also request that the initial conference of December 18, 2020 be adjourned to one of the following three proposed Friday afternoon dates: January 15, 2020, January 22, 2020 or January 29, 2020, with the accompanying case management plan and joint letter submitted seven days prior to those dates.

This is the first request for an extension of time to prove service and first request for an adjournment of the initial pretrial conference. There have been no previous requests by plaintiff for an extension of time to prove service or adjournment of the initial conference. No prior requests were granted or denied. This request does not affect any other scheduled dates beyond the initial conference date. This request is not made at least 48 hours prior to the scheduled deadline of December 11, 2020, to submit the joint letter and case management plan. The parties regret this was not done but it was plaintiff's responsibility to prove service within the allotted time, which caused this sequence of events. I assure the Court this will not happen again as I have hired additional personnel to better assist in preventing these situations. Thank you.

Respectfully submitted,
/s/Spencer Sheehan

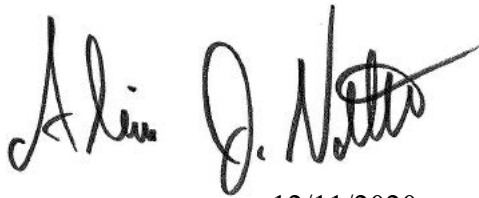
Certificate of Service

I certify that on December 10, 2020, I served and/or transmitted the foregoing by the method below to the persons or entities indicated, at their last known address of record (blank where not applicable).

	CM/ECF	First-Class Mail	Email	Fax
Defendant's Counsel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Plaintiff's Counsel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courtesy Copy to Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

/s/ Christopher Patalano

The request for an extension of time to file proof of service and for adjournment of the initial pretrial conference is GRANTED. The initial pretrial conference scheduled for December 18, 2020, is adjourned to January 15, 2021, at 3:15 p.m. SO ORDERED.



SO ORDERED. 12/11/2020
ALISON J. NATHAN, U.S.D.J.